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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 060D-133

Oahu

Grant of Perpetual, Non-Exclusive Easement to Fa'auuga
To'oto'o and Sheryl Turbeville for Access Easement Purposes,
Waimanalo, Koolaupoko, Oahu, Tax Map Key: 4-1-010:088 (por).

APPLICANT:

Fa'auuga To'oto'o and Sheryl Turbeville, husband and wife,
Tenants in Entirety, whose mailing address is P.O. Box 1791,
Honolulu, Hawaii 96806.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimanalo, Koolaupoko, Oahu,
identified by Tax Map Key: 4-1-010:088(por), as shown on the
attached maps labeled Exhibit "A" and Exhibit "B". Also,
designated as Easement "20", Waimanalo Agricultural Park Farm Lot
Subdivision, Phase II, 1995, as shown on Exhibit "C".

AREA:

.027 acres, more or less.

ZONING:

State Land Use District: Agriculture
City and County of Honolulu CZO: Ag-2

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Lot 10 is encumbered by General Lease No. S-5530, David A. Larsen, Lessee for general agricultural purposes.

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access purposes.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

Gratis, kuleana access road. The access road is from Waikupanaha Street Extension to the applicant's kuleana lot, identified as tax map key 4-1-010:072. File Plan 2156 lists the title origin of this kuleana lot as Royal Patent 956 issued on Land Commission Award 3207, Apana 1 to Ihu, (Tax Map Key 4-1-010:072).

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Impact Statement acceptance notice for the Waimanalo Agricultural Park Farm lot Subdivision, Phase II was published in the OEQC's Environmental Notice on September 23, 1988. The subdivision plan designated this access road as Easement "20" over farm Lot 10 and as such is covered by this environmental impact statement.

DCCA VERIFICATION:

Not applicable. The Applicant as a landowner is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The proposed easement site is on Government land in Waimanalo identified as a portion of tax map key 4-1-010:088. This Government land is also identified as Lot 10 of File Plan 2156 currently leased to David A. Larsen under General Lease No. S-5530. David A. Larsen has no objections to the issuance of this easement.

Lot 10 of File Plan 2156 is used as access to a kuleana lot owned by Fa'auuga To'oto'o and Sheryl Turbeville, husband and wife. Their lot is identified as tax map key 4-1-010:072 shown on Exhibit "A" and Exhibit "B".

This kuleana is an exclusion within Lot 10 of the Waimanalo Agricultural Park Phase II Farmlot Subdivision. The access to the subject kuleana is over Lot 10 and is designated as Easement "20" on subdivision plan and the corresponding File Plan 2156,

The applicants recently applied for financing and the lending institution required proof of an access easement over Lot 10 to Waikupanaha Street Extension. This kuleana was conveyed to the applicants without a documented access easement and they now want to acquire the documentation.

The applicants have not had a lease, permit, easement or other disposition of state lands terminated within the last five years due to non-compliance with such terms and conditions.

The following agency comments were received:

1. The Department of Transportation Services, City and County of Honolulu has no objections to the easement.
2. The Department of Facility Maintenance of the City and County has no objections.
3. The Board of Water Supply has no objections to the easement.
4. The State Historic Preservation Division has determined that no historic properties will be affected by this easement.
5. The Department of Hawaiian Homes Land has no comments on the easement.
6. The Office of Hawaiian Affairs requests that if it is appropriate, the easement conveyance be done for fair-market value. The Office of Hawaiian Affairs would like to note that proper care must be taken of the management of ceded lands, which are held in trust for the people of Hawai'i in general, and Native Hawaiians in particular.

Pursuant to the above information, we respectfully request Land Board approval for this access easement.

RECOMMENDATION: That the Board:

1. Subject to the Applicants fulfilling all of the applicants requirements listed above, authorize the issuance of a perpetual non-exclusive easement to Fa'auuga To'oto'o and Sheryl Turbeville under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

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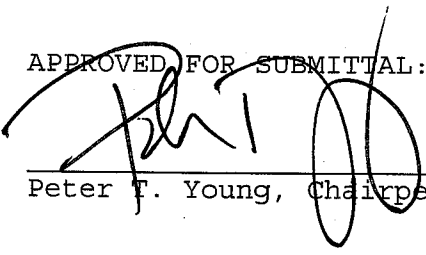
- A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
- B. The easement shall run with the land and shall inure to the benefit of the real property described as Tax Map Key: 4-1-010:072, provided that when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;
- C. The Grantee shall at all times during the term of this easement keep trim all vegetation growing within, over, or onto the easement area so that it does not present a threat to public safety by creating or contributing to roadway or pedestrian obstruction, visual obstruction to operators of vehicles, fire hazards, or interference with or downing of power lines.
- D. This easement is limited to only personal access and no commercial use is permitted.
- E. Review and approval by the Department of the Attorney General; and
- F. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Cecil Santos
Oahu District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

ZONE 4 SEC. 2

WAIMANALO

Ernest C.

FOREST

万有引力定律

PLAT 1

Ref # 1458 - 8.040

NOTE: All lots owned by State of Hawaii.

NOTE: All reservoirs, fumes, and other

Dropped matches: 75, 77, 87, 88, 89,
101, 100,

EXHIBIT "A"

**FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE**

DEPARTMENT OF TAXATION
PROPERTY ASSESSMENT DIVISION
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

ZONE	SEC.	PLAT
4	1	10

SCALE: 1 IN. = AS NOTED

4 - 1 - 10

1ST. DIV.

MAHIKU STREET

WAIKUPANAHA STREET

R.P. 539, L.C. AW. 234-1, AP. 1 TO PAHANUA

L.C. AW. 3265, AP. 1
TO LAUHEAIKU

R.P. 947, L.C. AW. 2591,
AP. 1 TO PUHAU

R.P. 564, L.C. AW. 5875,
AP. 2 TO KAAUKAI

PERPETUAL NON-EXCLUSIVE
ACCESS AND UTILITY EASEMENT
(CSF 21967)

R.P. 557, L.C. AW. 3575,
AP. 1 TO KALAUAO

Gary M. Tanaka
and wf. Akiko K. Trust
(owners)

R.P. 956, L.C. AW. 3207, AP. 1 TO IHU
Door of Faith Church
and Bible School
(owner)

SEE
INSET
H

R.P. 969, L.C. AW. 5346, TO PAHULU
David Lee K. Kalama
and wf. Kimberly Ann M.
(owners)

GRANT 987 TO KEALOANU KANEKO
and wf. Georgiana R.
(owners)

BOUNDARY FOLLOWS ALONG
MIDDLE OF STREAM

AP. 1 TO HIKAALANI

John
and w.

Pipe
3941.29 S
2679.52 W
"WAIMANALO RIDGE" Δ

EXIST.
MON.

EXIST.
MON.

Pipe
778.00
822.00

Pipe
137.93

Pipe
78.45

Pipe
155.40

Pipe
128.72

Pipe
151.60

Pipe
128.72

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151.60

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128.72

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27.11

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Pipe
308.95

Pipe
258.84

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337.15

Pipe
248.20

Pipe
82.90

Pipe
160.00

Pipe
96.01

Pipe
83.15

Pipe
63.99

Pipe
326.38

Lot 1

EXHIBIT "B"

EASEMENT 18
(15-FT. WIDE) FOR
ACCESS PURPOSES

EASEMENT 17

2.460 ACS.

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